

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM MUTUAL AUTOMOBILE
INSURANCE CO.,

Plaintiff,

Civil Case No. 18-13257
Honorable Linda V. Parker

v.

MAX REHAB PHYSICAL THERAPY, LLC,
MAXIMUM REHAB PHYSICAL THERAPY, LLC,
JOSEPH LABIB, RENEE LABIB,

Defendants.

OPINION AND ORDER (i)ADOPTING MAGISTRATE JUDGE’S JUNE 28, 2021 REPORT & RECOMMENDATION [ECF NO. 106]; (ii) GRANTING PLAINTIFF’S MOTION FOR DEFAULT JUDGMENT [ECF NO. 99]; (iii) DENYING AS MOOT REMAINING PENDING MOTIONS [ECF NOS. 66, 67, 79, 101]; and (iv) REFERRING MATTER TO THE MAGISTRATE JUDGE FOR A HEARING ON DAMAGES

Plaintiff commenced this lawsuit against Defendants on October 17, 2018.

On March 23, 2021, Plaintiff filed a Motion for Default Judgment against Defendants based on their discovery abuses. (ECF No. 99.) The Court has referred the motion, as well as additional pretrial motions (ECF Nos. 66, 67, 79, 101), to Magistrate Judge Elizabeth A. Stafford for a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On June 28, 2021, Magistrate Judge Stafford issued a report and recommendation (“R&R”) recommending that the Court grant Plaintiff’s Motion for Default Judgment and deny as moot the remaining pending motions. (ECF No. 106.) At the conclusion of the R&R, Magistrate Judge Stafford advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at Pg ID 3282.) Magistrate Judge Stafford further specifically advises the parties that “if a party fails to timely file objections, any further appeal is waived.” (*Id.* at Pg ID 3282-83.) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Stafford. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Plaintiff’s Motion for Default Judgment (ECF No. 99) is **GRANTED** and a default judgment is entered against Defendants.

IT IS FURTHER ORDERED that Plaintiff’s Renewed Motion for Sanctions Against Defendants (ECF No. 66), Renewed Motion to Compel Defendants to Produce Documents (ECF No. 67), Motion to Compel Deposition of Defendants and their Employees (ECF No. 79), and Motion for Judgment (ECF No. 101) are **DENIED AS MOOT**.

IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Stafford pursuant to 28 U.S.C. § 636(b)(1)(B) for a damages hearing followed by a report and recommendation regarding damages.

IT IS SO ORDERED.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 2, 2021